

CITY COUNCIL MEETING

APRIL 3, 2001

Date & Time	On the 3rd day of April, A.D., 2001, the City Council of the City of Fort Worth, Texas, met in regular session at 7:12 p.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:
Attendance	Mayor Kenneth Barr; Council Members Jim Lane, Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. Mayor Pro tempore Ralph McCloud was absent. With more than a quorum present, the following business was transacted.
Invocation	The invocation was given by Reverend Tom Paine, Oak Hill Presbyterian Church.
Pledge	The Pledge of Allegiance was recited.
Minutes	On motion of Council Member Silcox, seconded by Council Member Lane, the minutes of the regular meeting of March 27, 2001, were approved unanimously.
Special Presentations	<p>Council Member Wentworth presented a Proclamation for Public Health Week to Ms. Letha Aycock, Assistant Director of the Health Department. Ms. Aycock introduced Messers John Ross, Eric Cheddar, Dwight Edmond, and Jaime Cashion who thanked the Council and Health Department for the proclamation and the support provided.</p> <p>Council Member Lane presented a Proclamation for National Tartan Day to Mr. Tim McKay. Mr. McKay thanked the Council for the proclamation and stated that there would be a celebration to commemorate National Tartan Day on April 6, 2001 at 6:00 p.m. at Trinity Park and invited everyone to attend.</p> <p>Council Member Haskin presented a Proclamation for Week of the Young Child to Ms. Joyce Brown. Council Member Haskin presented Certificates of Recognition to Ms. Threlecia Whitley, Barbara Morgan, and Emma Kay White.</p> <p>Council Member Davis presented a Proclamation for Children's and Police Day to Ms. Berty Magano, Principal of Worth Heights Elementary School. Ms. Magano thanked the Council for the proclamation on behalf of the school children and expressed appreciation to the community for their support in making this program successful. She introduced Mr. B. J. Woods, School Counselor, who stated that he was trying to launch a national</p>

observance of Children's and Police Day that would allow all children to view the police as positive role models. Deputy Chief R. P. Ely, representing Chief Mendoza, thanked the Council for their support of this program and stated that the Police Department endorsed Mr. Wood's initiative. Mr. Juan Rangel, Fort Worth Independent School Board member, echoed the appreciation of the previous speakers and added that educating our children on positive programs starts at the elementary level.

Mayor Barr stated that this was one more example of partnering in the community and added that this will be an issue that would not only be successful in Fort Worth, but could also be successful across the country. He commended the Police Department for reaching out to the community with this program.

Council Member Moss presented a Proclamation for Fair Housing Awareness Month to Ms. Vanessa Ruiz Boling, Director of the Human Relations Commission. Ms. Boling expressed the appreciation of the Human Relations Commission for the proclamation and thanked the Council for recognizing fair housing. Mr. Estrus Tucker thanked the Council for the proclamation and stated that access to fair housing is no less than access to the American dream.

Announcements Council Member Lane congratulated Paulie Ayala for successfully defending his championship boxing title last Saturday at the Convention Center. He also expressed his appreciation to the City Manager and his staff for the way the City handled the extra 300,000 people last weekend as a result of the successful racing event at the Texas Motor Speedway.

Council Member Haskin announced that Saturday, April 7, 2001 would be the Great American Clean-up in Fort Worth and encouraged everyone to get out and participate. She stated that a drop off point for trash would be at Hope Community Church, 1750 Beach Street in District 4.

Council Member Silcox thanked everyone who participated in the 2nd Annual Pooch and Pal Promenade on March 31, 2001 in support of the City's animal facility. He commended Assistant City Manager Libby Watson and her staff for the efforts they expended to put the event together.

Withdrawn from Consent Agenda Council Member Silcox requested that Mayor and Council Communication No. G-13191 be withdrawn from the consent agenda.

Consent Agenda On motion of Council Member Silcox, seconded by Council Member Haskin, the consent agenda, as amended, was adopted unanimously.

**Res # 2719
Rescind Res.
#2718** There was presented Resolution No. 2719 rescinding Resolution No. 2817 relating to the issuance and sale of Dallas-Fort Worth International Airport Public Facility Improvement Corporation Airport Hotel Revenue Bonds.

City Attorney Yett informed Council that the Resolution being rescinded should be amended to reflect Resolution No. 2718 instead of 2817.

Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted, as amended. The motion carried unanimously.

**Res. # 2720
DFW Public
Facility
Improvement
Corporation
Bonds** There was presented Resolution No. 2720 approving the issuance and sale of Dallas-Fort Worth International Airport Public Facility Improvement Corporation Airport Hotel Revenue Bonds, Series 2001 if specified parameters are met; making certain findings; and approving documents related thereto. Council Member Lane made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried unanimously.

**OCS-1201
Liability Bonds** There was presented Mayor and Council Communication No. OCS-1201 from the Office of the City Secretary recommending that the City Council authorize the acceptance of these liability bonds, as follows:

PARKWAY CONTRACTOR

Falconer, Don d/b/a
Superior Concrete Contracting
Ingel, Michael d/b/a
Hidden Lake Landscaping
Johnson Trucking & Tractor Work
Rog's Concrete-Texas, Inc.

INSURANCE COMPANY

Western Surety Company
Merchants Mutual Bonding Co.
Universal Surety of America
Western Surety Company

It was the consensus of the City Council that the recommendation be adopted.

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| OCS-1202
Claims | <p>There was presented Mayor and Council Communication No. OCS-1202 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.</p> |
| G-13191
Waive Rental
and Other Fees
at WRMC in
Support of
Catholic
Charities Event | <p>There was presented Mayor and Council Communication No. G-13191 from the City Manager recommending that the City Council authorize the City Manager to waive all fees relating to the rental of Will Rogers Auditorium for an event to be held by Catholic Charities and the U. S. Immigration and Naturalization Service during Migration Week on June 13, 2001.</p> <p>Council Member Silcox expressed concern relative to the City's liability position if insurance fees were waived. City Attorney Yett stated that a report would be provided to Mr. Silcox relative to the waiving of fees.</p> <p>Council Member Lane made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.</p> |
| G-13192
Ord. # 14575
Increase
Appropriations
in the Insurance
Fund for Hail
Storm Repair | <p>There was presented Mayor and Council Communication No. G-13192 from the City Manager recommending that the City Council adopt Supplemental Appropriation Ordinance No. 14575 appropriating \$171,120.00 to Insurance Fund and decreasing the unreserved, undesignated Insurance Fund balance by the same amount for the purpose of providing funding for outstanding repair contract obligations relating to the hail storm of 1995. It was the consensus of the City Council that the recommendation be adopted.</p> |
| G-13193
Ord. # 14576
Appointment of
Municipal Judge
to Serve
Unexpired Term | <p>There was presented Mayor and Council Communication No. G-13193 from the City Manager recommending that the City Council adopt Ordinance No. 14576 appointing Robb D. Catalano as a Municipal Judge for the unexpired portion of a two-year term commencing April 9, 2001, and ending March 31, 2002, or until a successor is qualified and appointed in accordance with state law. Council Member Lane made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.</p> |

Council Member Lane recognized Chief Judge Ninfa Mares, and newly appointed Municipal Judge Catalano and his family.

**G-13194
Ord. # 14577
Amend Chapter
2, Article IX of
Code of the City
of Fort Worth,
“Personal
Liability
Indemnity Plan”**

There was presented Mayor and Council Communication No. G-13194 from the City Manager recommending that the City Council approve Ordinance No. 14577 amending Chapter 2, Article IX, of the Code of the City of Fort Worth, “Personal Liability Indemnity Plan”, adopting a definition of “Scope of Employment”; extending plan coverage to acts or omissions committed by a plan member while operating a city vehicle to and from work; providing that the City may at its discretion furnish legal representation and pay damages, court costs and attorney’s fees in any claim or lawsuit against a plan member that would otherwise be excluded from the plan; providing that the City Attorney shall select outside counsel to represent plan members. Council Member Davis made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

**G-13195
Ord. # 14578
Amend
Residential
Garbage
Collection Fees**

There was presented Mayor and Council Communication No. G-13195 from the City Manager recommending that the City Council adopt Ordinance No. 14578 amending residential garbage collection fees in accordance with Section 12.5-842 of the City Code.

City Attorney Yett stated that Section 4 of the ordinance needed to be corrected to reflect the effective date as being April 1, 2001.

Council Member Davis made a motion, seconded by Council Member Wentworth, that the recommendation be adopted, as amended. The motion carried by the following vote:

AYES: Mayor Barr; Council Members Lane, Silcox, Haskin, Moss, Wentworth, and Davis

NOES: Council Member Picht

ABSENT: Mayor Pro tempore McCloud

Public Hearing

It appeared that the City Council set today as the date for a public hearing to adopt an ordinance establishing standards of care for youth programs in the Parks and Community Services Department. Mayor Barr asked if there was anyone present desiring to be heard.

Mr. Richard Zavala, Director of Parks and Community Services, appeared before the Council, gave a staff report, and called attention to Mayor and Council Communication No. G-13196, as follows:

**G-13196
Ord. # 14579
Establish
Standard of Care
for Youth
Programs**

There was presented Mayor and Council Communication No. G-13196 from the City Manager recommending that the City Council adopt Ordinance No. 14579 readopting and amending the standards of care for youth programs offered by the Parks and Community Services Department, by the amendment of Subsection 6(C), entitled "Program Coordinator (Coordinator) Qualifications" to provide that the coordinators should possess a combination of experience and training of two years of responsible community center service or recreational programming experience and the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Sports Management, Physical Education, Recreation or a related field.

There being no one else present desiring to be heard, Council Member Moss made a motion, seconded by Council Member Silcox, that the public hearing be closed and that the recommendation be adopted. The motion carried unanimously.

**G-13197
Authorize
Agreement with
Employees'
Retirement Fund
and Funding of
Commitments
and Settlement
of Lawsuits
Related to the
Deaths of Brian
Collins and
Phillip Dean**

There was presented Mayor and Council Communication No. G-13197 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to enter into an agreement with the Employee's Retirement Fund (Retirement Fund) of the City of Fort Worth to administer payments to eligible beneficiaries of Brian Collins and Phillip Dean to supplement their current pension benefits to that equal to similarly situated beneficiaries of persons that are receiving "in line of duty" death benefits; and**
- 2. Authorize the payment of \$653,000.00 to the Retirement Fund as that amount agreed as sufficient to make the payments described above; and**
- 3. Authorize the settlement of Cause 141-181434-00, Mary Collins, Individually and a/n/f of Ryan, Hannah and Nathan Collins; Renea Dean, Individually and a/n/f of Elijah Dean, v. City of Fort Worth Employees Retirement Fund, Cause 141-182361-00, City of Fort Worth, Texas v. Mary Collins individually, and a/n/f of Ryan, Hannah, and Nathan Collins,**

and Renea Dean, individually and a/n/f of Elijah Dean, and Cause 96-186472-01 Employees' Retirement Fund of the City of Fort Worth v. City of Fort Worth, upon the agreement of all parties on the terms outlined in the Final Compromise, Settlement and Release Agreement as approved by the City Attorney.

Council Member Wentworth requested that he be allowed to recuse himself from voting as he was a member of the Employees' Retirement Board. Council Member Silcox made a motion, seconded by Council Member Davis, to allow Council Member Wentworth to abstain from voting on this issue. The motion carried unanimously.

Council Member Silcox expressed opposition of Fort Worth taxpayers having to bear the cost for firefighters' who lived outside of the City limits and were volunteering for this outside entity.

Council Member Lane made a motion, seconded by Council Member Haskin, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Council Members Lane, Haskin, Moss, Picht, and Davis

NOES: Council Member Silcox

ABSENT: Mayor Pro tempore McCloud

NOT VOTING: Council Member Wentworth

City Attorney Yett informed the audience that this action authorized the City Manager to enter into an agreement for final settlement of \$650,000.00, which would equate to live duty benefits.

**G-13198
Ord. # 14580
Authorize Final
Settlement in
Litigation Styled
FWISD v. City of
Fort Worth and
Southwestern
Bell Telephone,
Cause No. 348-
156227-94**

There was presented Mayor and Council Communication No. G-13198 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to execute a final Settlement Agreement in the litigation styled Fort Worth Independent School District v. City of Fort Worth and Southwestern Bell Telephone Company, Cause No. 348-156227-94; and**
- 2. Adopt Supplemental Appropriation Ordinance No. 14580 appropriating \$1,200,000.00 to the Insurance Fund and decreasing the unreserved, undesignated Insurance Fund balance by the same amount for the purpose of payment of the first installment and attorneys fees, costs and expenses related to the settlement of the Fort Worth Independent School District and Southwestern Bell Telephone Company lawsuit.**

Council Member Moss advised Council that his wife was a member of the FWISD Board, that he had filed a Conflict of Interest Affidavit with the City Secretary, and would abstain from voting on this issue.

Council Member Silcox made a motion, seconded by Council Member Wentworth, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Council Members Lane, Silcox, Haskin, Picht, Wentworth, and Davis

NOES: None

ABSENT: Mayor Pro tempore McCloud

NOT VOTING: Council Member Moss

Mayor Barr stated that he was pleased that the City and FWISD had reached a decision on this agreement. He congratulated everyone involved in resolving this issue.

**P-9329
Purchase
Agreement for
Telescoping
Steel Sign Posts**

There was presented Mayor and Council Communication No. P-9329 from the City Manager recommending that the City Council authorize a purchase agreement with Unistrut Texas, Inc. to provide telescoping steel sign posts for the Transportation and Public Works Department based on the low bid meeting

specifications with freight included in the unit cost, payment due 30 days from the date of invoice, and authorize this agreement to begin April 3, 2001, and expire April 2, 2002, with options to renew for two successive one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**L-13023
Acquisition of
Residential
Properties for
Meacham
International
Airport
Mitigation
Program**

There was presented Mayor and Council Communication No. L-13023 from the City Manager recommending that the City Council authorize the acquisition of three single-family residences located on the eastside of Meacham International Airport, Fort Worth, Texas, from individual owners, for the Meacham International Airport Mitigation Program; find that the prices offered in the total amount of \$123,000.00 are just compensation for the acquisition of the three properties; and authorize the acceptance and recording of the appropriate instruments. It was the consensus of the City Council that the recommendation be adopted.

**C-18529
J. B. Davies, Inc.**

There was presented Mayor and Council Communication No. C-18529 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering services agreement with J. B. Davies, Inc. for design of the Lost Creek drainage improvement project and four small storm drainage improvement projects in the amount of \$74,930.93. It was the consensus of the City Council that the recommendation be adopted.

**C-18530
Ord. # 14581
M. E. Burns
Construction,
Inc.**

There was presented Mayor and Council Communication No. C-18530 from the City Manager recommending that the City Council:

1. Authorize the City Manager to transfer \$302,291.50 from the Water and Sewer Operating Fund to the Water Capital Project Fund; and
2. Adopt Appropriation Ordinance No. 14581 increasing the estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$302,291.50 from available funds for the purpose of funding a contract with M. E. Burns Construction, Inc. for water line rehabilitation contract "99AA"; and

- 3. Authorize the City Manager to execute a contract with M. E. Burns Construction, Inc. in the amount of \$262,862.50 for water line rehabilitation contract "99AA" (1999 water quality).**

It was the consensus of the City Council that the recommendation be adopted.

**C-18531
Amend CSC #
25308 – Halff
Associates, Inc.**

There was presented Mayor and Council Communication No. C-18531 from the City Manager recommending that the City Council authorize the City Manager to execute Amendment No. 2 to City Secretary Contract No. 25308 with Halff Associates, Inc. for Southside II (S2-6) 48-inch water transmission main from Bolt Street and St. Louis Avenue to the existing 42-inch water line located near the intersection of Granbury Road and Trail Lake Drive, for a fee of \$81,530.00, increasing the total contract amount to \$417,130.00. It was the consensus of the City Council that the recommendation be adopted.

**C-18532
Ord. # 14582
Texas
Department of
Human Services**

There was presented Mayor and Council Communication No. C-18532 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to submit and accept, if awarded, a grant with the Texas Department of Human Services (TDHS), requesting up to \$300,000.00 for the 2001 Summer Food Service Program; and**
- 2. Adopt Appropriation Ordinance No. 14582 increasing the estimated receipts and appropriations in the Grants Fund in the amount of \$300,000.00 subject to the receipt of the grant from the Texas Department of Human Services for the purpose of funding the 2001 Summer Food Service Program; and**
- 3. Execute a contract with the TDHS for the Summer Food Service Program; and**
- 4. Authorize the application of indirect cost rates in accordance with the City's Administrative Regulation 3-15 (17.76 percent), which represents the most recent approval rate for this department, and apply the new, approved rate when available.**

It was the consensus of the City Council that the recommendation be adopted.

**C-18533
Continued for
One Week**

There was presented Mayor and Council Communication No. C-18533 from the City Manager recommending that the City Council authorize the City Manager to enter into a standard consent agreement with the Hillwood Development Corporation permitting the temporary placement of signs in the right-of-way at Heritage Subdivision for a period of two years. Council Member Lane made a motion, seconded by Council Member Silcox, that the recommendation be adopted.

Council Member Haskin made a substitute motion, seconded by Council Member Davis, that this issue be continued for two weeks.

Margaret Pesnell

Ms. Margaret Pesnell, 2015 Via Corona, appeared before Council and expressed concern with a two-week delay. She stated that a two-week delay would push this issue to the same date as the scheduled opening of the subdivision on April 17, 2001 and Hillwood Development Corporation was hoping the signs would be in place before the opening.

Council Member Haskin amended her motion, and Council Member Davis amended her second, to continue this issue for one week. The motion carried unanimously.

**C-18534
MHI Partnership**

There was presented Mayor and Council Communication No. C-18534 from the City Manager recommending that the City Council to execute a Community Facilities Agreement with MHI Partnership for the installation of community facilities for Remington Addition, Phase 2. Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

**C-18535
Amend Contract
with Casino
Beach Golf, Inc.**

There was presented Mayor and Council Communication No. C-18535 from the City Manager recommending that the City Council to execute an amendment to the contract with Casino Beach Golf, Inc. to eliminate additional capital improvements as outlined in the original contract, and to maintain rental payments at the December 2000 level. Council Member Wentworth made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

**Citizen
Presentations
Lydia Hudson**

Ms. Lydia Hudson, 1425 Mistletoe Boulevard, appeared before the City Council concerning Mosier Valley Park Project recommendations. She presented two proposals for the Council to consider regarding the preservation of Mosier Valley.

Council Member Moss stated that he would attend a meeting tomorrow to look at the schoolhouse. He added that this was extremely important for preservation of the neighborhood, as it would commemorate the historical significance in the community. He further stated that Parks and Community Services and HEB Independent School District was looking forward to working with us on this particular project.

Deborah Dennis

Ms. Deborah Dennis, 2758 Kingswood Blvd., Grand Prairie, Texas, appeared before the City Council concerning a contract dispute with the Housing Department.

Mayor Barr informed Ms. Dennis that Council had been briefed on this issue. The Council was concerned about performance and delivery of the house according to the required timeframe. He asked the City Manager to have staff investigate this matter and provide a report to Council.

Jackie Andrews

Mr. Jackie D. Andrews, 511 New Natchitoches Road, West Monroe, Louisiana, representing the United States Black House Project, appeared before Council regarding free trade.

Adjournment

There being no further business, the meeting was adjourned at 8:18 p.m.